

California Regional Water Quality Control Board  
Santa Ana Region

February 3, 2005

STAFF REPORT

ITEM: 8

SUBJECT: Appeal of Staff's Denial of an Exemption from the Minimum Lot Size Requirement for Subsurface Disposal System Use -- James De Mase, 5515 Marlatt Street, Mira Loma, Riverside County, APN 161-081-010-6

DISCUSSION:

On December 7, 2004, James De Mase contacted staff requesting an exemption from the Board's minimum lot size requirements for the use of a septic tank-subsurface disposal system on a 0.56-acre lot at 5515 Marlatt Street, Mira Loma. Mr. De Mase wishes to install a second home (mobile home) and septic tank-subsurface disposal system on this lot.

There is currently a home on the lot that is connected to an existing septic tank-subsurface disposal system. This area of Mira Loma is unsewered. Mr. De Mase purchased the lot/home with the intention of purchasing a second dwelling unit/mobile home to be placed on the lot, where he could care for his parents.

On October 13, 1989, the Regional Board adopted Resolution No. 89-157, which requires new developments for which on-site subsurface disposal system use is proposed to have a minimum one-half acre of land per dwelling unit. The Board found that it was necessary to limit the density of new subsurface disposal systems to control the nitrate quality problems found in the groundwater of the Region. Mr. De Mase's proposed development is a new development as defined in Resolution No. 89-157 and is therefore subject to the minimum lot size requirements specified therein. With a density of 0.28 acres per dwelling unit, Mr. De Mase's proposal does not comply with the Board's minimum lot size requirements. Accordingly, Board staff denied Mr. De Mase's request for an exemption from the minimum lot size requirements.

Mr. De Mase notes that the additional flows that would occur as a result of this project would be no greater than the flows that would be allowed if he were to add on to the existing house and replace the existing septic tank to accommodate the increased flows, which would be exempt from the minimum lot size requirement. On this basis, Mr. De Mase is appealing to the Regional Board for reversal of staff's denial of an exemption from the minimum lot size requirements.

The minimum lot size exemption criteria to be used by Board staff specify that replacement of existing septic tank-subsurface disposal systems to allow additional flows resulting from additions to existing dwelling units is exempt from the one half acre requirement. However, the Board's exemption criteria specifically state that such an exemption does not apply to the addition of freestanding structures, such as a second home (mobile home) on the De Mase's property. In establishing the exemption criteria, the Board made this distinction because of the potential that the addition of freestanding structures could result, either immediately or in the future, in substantially greater wastewater flows than would be expected as the result of additions to an existing dwelling.

While it is true that there would be no difference in wastewater flows on an immediate basis, i.e., while Mr. De Mase owns the property and his parents reside with him, there can be no guarantee that wastewater flows would not increase considerably in the future. As stated above, it was on this basis that the Board determined not to exempt the addition of freestanding structures from the minimum lot size requirements. However, this is an exceptional case in that the proposed additional structure is a mobile home. Mr. De Mase has offered to remove the second home (mobile home) and septic system from the property once it is no longer required and has agreed to enter into an Agreement of Restriction to be recorded with the property Chain of Title that stipulates that this property may not be sold until the second home (mobile home) and septic system have been removed.

**RECOMMENDATION:**

Approve Mr. De Mase's request for an exemption from the minimum lot size requirement specified in Resolution No. 89-157 with the following stipulations: 1) Once the second home (mobile home) is no longer required for use of the De Mase family, it shall be removed from the property and the septic tank shall either be demolished or removed from service by filling the tank with sand after proper removal and disposal of septage; and 2) Mr. De Mase must enter into an Agreement of Restriction, which shall become a part of the Chain of Title, that the property may not be sold until the second home (mobile home) and second septic system have been removed.

Comments were solicited from the following agencies:

State Water Resources Control Board, Office of Chief Counsel – Jorge Leon  
Riverside County Environmental Health – Sam Martinez/Greg Dellenbach  
Riverside County Building and Safety – Steve Dondalski  
Riverside County Planning – Mark Balys



# California Regional Water Quality Control Board

## Santa Ana Region



Alan C. Lloyd, Ph.D.  
Agency Secretary

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Arnold Schwarzenegger  
Governor

January 19, 2005

James De Mase  
5515 Marlatt Street  
Mira Loma, CA 91752

APPEAL TO THE REGIONAL BOARD FOR AN EXEMPTION FROM THE MINIMUM LOT SIZE REQUIREMENT FOR THE USE OF AN ONSITE SEPTIC TANK-SUBSURFACE DISPOSAL SYSTEM AT 5515 MARLATT STREET, MIRA LOMA, RIVERSIDE COUNTY, APN 161-081-010-6

Dear Mr. De Mase:

This is in response to your request to appeal Regional Board staff's denial of an exemption from the minimum lot size requirement for subsurface disposal system use at the above-referenced site. Your appeal has been scheduled for consideration at the Board's February 3, 2005 meeting at the City Council Chambers of Santa Ana, 22 Civic Center Plaza, Santa Ana. The meeting is scheduled to begin at 9:00 a.m. A copy of the staff report that will be presented to the Board regarding this matter and the agenda announcement for the meeting are enclosed.

During the meeting, you will have an opportunity to present your case to the Board. If you have any questions about the proceedings, please contact Jun Martinez at (951) 782-3258 or Susan Beeson at (951) 782-4902.

Sincerely,

for Joanne E. Schneider  
Environmental Program Manager

Enclosures: Staff Report and Agenda Announcement

cc w/enc: State Water Resources Control Board, Office of the Chief Counsel – Jorge Leon  
Riverside County Environmental Health – Sam Martinez  
Riverside County Building and Safety – Steve Dondalski  
Riverside County Planning – Mark Balys

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**California Environmental Protection Agency**

